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DRAFT STATUTORY INSTRUMENTS

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**2014 No.**

**The Electricity Capacity Regulations 2014**

**PART 10**

Dispute resolution and appeals

CHAPTER 1

Delivery Body decisions

**Consequences of successful review or appeal**

- 73.**—(1) Paragraph (2) applies if the Delivery Body—
- (a) makes a reconsidered decision under regulation 69;
  - (b) receives notice of a decision of the Authority or the court under this Chapter; or
  - (c) makes a redetermination pursuant to a direction by the Authority or the court under this Chapter.
- (2) The Delivery Body must as soon as reasonably practicable—
- (a) make any amendment to the capacity market register required by, or in consequence of, the decision or redetermination; and
  - (b) give notice to the affected person of any amendment made to the capacity market register.
- (3) Paragraphs (4) to (7) apply if, pursuant to paragraph (2)(a), the Delivery Body registers a CMU on the capacity market register as a prequalified CMU.
- (4) If the registration is made not less than 11 working days before the start of the relevant capacity auction, the Delivery Body must permit the applicant to bid in the capacity auction in respect of the CMU.
- (5) If—
- (a) the registration is made after, or less than 11 working days before, the start of the relevant capacity auction; and
  - (b) the capacity auction is held and is not annulled,
- the Delivery Body must offer to the applicant a capacity agreement in respect of the CMU on terms in accordance with paragraph (6).
- (6) A capacity agreement offered under paragraph (5) must be—
- (a) at the capacity cleared price which would have applied to the CMU if a successful bid had been made in the relevant capacity auction in respect of the CMU;
  - (b) for the de-rated capacity of the CMU (which, if not previously determined, must be determined by the Delivery Body in accordance with capacity market rules); and
  - (c) for the number of delivery years which it appears to the Delivery Body that the applicant is entitled to a capacity agreement under capacity market rules.
- (7) An applicant which receives an offer of a capacity agreement under paragraph (5)—

- (a) must within 5 working days give notice to the Delivery Body of whether it accepts the offer; and
- (b) is not entitled to any other remedy if it does not accept the offer within that time.